

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JOSIAH KUENZI, : NO. 08-3906

Plaintiff, :

v. :

CAPITAL ONE AUTO FINANCE,
INC., et al. :

Defendant. :

**DEFENDANT CAPITAL ONE AUTO FINANCE'S
OMNIBUS MOTION FOR SUMMARY JUDGMENT**

Pursuant to the Court's Order filed on March 8, 2011, and based upon the pleadings previously filed in this action, the deposition transcripts, discovery responses, Declaration, Affidavit, and the Brief filed contemporaneously herewith, Defendant Capital One Auto Finance, Inc. hereby moves for summary judgment in its favor and against Plaintiff Josiah Kuenzi with regard to Plaintiff's claims against Capital One and with regard to its Counterclaims in the amount of \$4,192.72, plus interest at the contractual rate of 1.13538 percent, *per diem*, from July 30, 2010 through the date of payment of the judgment.

McNEES WALLACE & NURICK LLC

By /s/ Devin Chwastyk

Devin Chwastyk
I.D. No. 91852
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Dated: March 11, 2011

Attorneys for Defendant Capital One
Auto Finance, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of March, 2011, a true and correct copy of the foregoing document was served upon the following by the Court's electronic filing system:

Matthew B. Weisberg, Esq.
Prochniak & Weisberg P.C.
7 S. Morton Avenue
Morton, PA 19070
Counsel for Plaintiff

By /s/ Devin Chwastyk
Devin Chwastyk
Counsel for Defendant

Dated: March 11, 2011